

that will strengthen the American economy for many years to come”;

Whereas Paul Spyros Sarbanes was a champion of the Chesapeake Bay, working to improve access through the Chesapeake Gateways and Watertrails Program and the Captain John Smith Chesapeake National Historic Trail and to improve the health of the Bay with the Chesapeake Restoration Act, oyster restoration, and the Poplar Island project;

Whereas Paul Spyros Sarbanes had a reputation as a man of deep principle, which led to his inclusion in the impeachment proceedings against President Richard Nixon and the investigations into Iran Contra and Whitewater;

Whereas journalist and author Elizabeth Drew, writing about Watergate, wrote of Paul Spyros Sarbanes, “History and process lift people, and they have lifted this group—and given the public a chance to see it. Paul Sarbanes would not have looked at all bad at the Constitutional Convention; he might have been one of the great ones”;

Whereas Paul Spyros Sarbanes was committed to the United States’ leadership in the world, sought peaceful engagement with our allies, played a key role in the ratification of the Panama Canal treaties and anti-apartheid laws, and voted against the authorization of use of military force in Iraq in 2003;

Whereas Paul Spyros Sarbanes received numerous awards for his time in service, including the Paul H. Douglas Ethics in Government Award, the Rolfe Award for Extraordinary Impact on Policy in Economics, Business, and Finance, and the Cox, Coleman, Richardson Award for Distinguished Public Service;

Whereas, in his farewell speech to the Senate, Paul Spyros Sarbanes said, “Throughout my years in public service, I have worked to the limits of my ability to provide the people of Maryland and the Nation dedicated, informed, and independent representation based on the fundamental principles of integrity and intelligence. I have been guided in this effort by a vision of a decent and just America, based on a strong sense of community and offering fairness and opportunity to all its people”;

Whereas Paul Spyros Sarbanes continued in his farewell speech that “Service in this body has reinforced, many times over, my understanding and commitment to the institutions upon which our system of democratic governance critically depends” and “So long as the vision of America’s promise continues to shine brightly in this body, I have every confidence that our Nation will prevail in the face of great challenges and that its future will be assured”;

Whereas Paul Spyros Sarbanes was the longest-serving Senator from the State of Maryland when he retired in 2006;

Whereas Paul Spyros Sarbanes served as a mentor and friend to his colleagues and the dedicated staff in his offices on Capitol Hill and in the State of Maryland;

Whereas Paul Spyros Sarbanes will be remembered for—

(1) his intellect, understanding of issues, and incisive questioning of witnesses before his committees;

(2) the trust he built and wisdom and counsel he shared with his colleagues; and

(3) his unwavering commitment to the people of the United States, and especially the people he served in Maryland; and

Whereas Paul Spyros Sarbanes was a loving husband, father, grandfather, and son who passed away on December 6, 2020, at the age of 87: Now, therefore, be it

*Resolved*, That—

(1) the Senate—

(A) has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Spyros Sarbanes, former member of the United States Senate;

(B) recognizes the life and achievements of the Honorable Paul Spyros Sarbanes;

(C) expresses condolences to the family of the Honorable Paul Spyros Sarbanes on his passing; and

(D) respectfully requests that the Secretary of the Senate—

(i) communicate this resolution to the House of Representatives; and

(ii) transmit an enrolled copy of this resolution to the family of the Honorable Paul Spyros Sarbanes; and

(2) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Paul Spyros Sarbanes.

#### SENATE CONCURRENT RESOLUTION 51—CORRECTING THE ENROLLMENT OF S. 1869

Mr. PETERS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 51

*Resolved by the Senate (the House of Representatives concurring)*, That in the enrollment of S. 1869, an Act to require the disclosure of ownership of high-security space leased to accommodate a Federal agency, and for other purposes, the Secretary of the Senate shall, in section 4(c)(3) of the Act, strike “thereafter for years” and insert “thereafter for 9 years”.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2694. Mr. PORTMAN (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 5663, to amend the Federal Food, Drug, and Cosmetic Act to give authority to the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to destroy counterfeit devices.

#### TEXT OF AMENDMENTS

SA 2694. Mr. PORTMAN (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 5663, to amend the Federal Food, Drug, and Cosmetic Act to give authority to the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to destroy counterfeit devices; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Safe-guarding Therapeutics Act”.

##### SEC. 2. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting “or counterfeit device” after “counterfeit drug”; and

(2) by striking “The Secretary of the Treasury shall cause the destruction of” and all that follows through “liable for costs pursuant to subsection (c).” and inserting the following: “The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days

of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is \$2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug or device after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c).”.

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking “(h) The term” and inserting “(h)(1) The term”; and

(B) by adding at the end the following:

“(2) The term ‘counterfeit device’ means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark or imprint, or any likeness thereof, or is manufactured using a design, of a device manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, processor, packer, or distributor.”.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 2 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, December 8, 2020, at 10 a.m., to conduct a hearing.

##### SUBCOMMITTEE ON AVIATION, OPERATIONS, SAFETY, AND SECURITY

The Subcommittee on Aviation, Operations, Safety, and Security of the Committee on Commerce, Science, and

Transportation is authorized to meet during the session of the Senate on Tuesday, December 8, 2020, at 2:30 p.m., to conduct a hearing.

#### PRIVILEGES OF THE FLOOR

Mr. UDALL. Mr. President, I ask unanimous consent that the following members of my staff—Ned Adriance, Lauren Arias, Clinton Cowan, Renee Gasper, Cara Gilbert, Annie Orloff, Leo Sheehan, and Lisa Van Theemsche—be given floor privileges for the remainder of the 116th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that Doug Galuszka, military fellow in Senator BRAUN's office, be granted floor privileges for the remainder of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

#### SECURE FEDERAL LEASES FROM ESPIONAGE AND SUSPICIOUS ENTANGLEMENTS ACT

Mr. PORTMAN. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 1869.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1869) entitled "An Act to require the disclosure of ownership of high-security space leased to accommodate a Federal agency, and for other purposes.", do pass with an amendment.

#### MOTION TO CONCUR

Mr. PORTMAN. Mr. President, I move to concur in the House amendment and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CORRECTING THE ENROLLMENT OF S. 1869

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 51, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Con. Res. 51) correcting the enrollment of S. 1869.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PORTMAN. Mr. President, I ask further that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 51) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

#### MOTOR CARRIER SAFETY GRANT RELIEF ACT OF 2020

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 587, S. 3729.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3729) to provide relief for the recipients of financial assistance awards from the Federal Motor Carrier Safety Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Commerce, Science, and Transportation.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3729) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3729

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Motor Carrier Safety Grant Relief Act of 2020".

#### SEC. 2. RELIEF FOR RECIPIENTS OF FINANCIAL ASSISTANCE AWARDS FROM THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means the Secretary of Transportation.

(b) RELIEF FOR RECIPIENTS OF FINANCIAL ASSISTANCE AWARDED FOR FISCAL YEARS 2019 AND 2020.—

(1) PERIOD OF AVAILABILITY.—

(A) IN GENERAL.—Notwithstanding any provision of chapter 311 of title 49, United States Code (including any applicable period of availability under section 31104(f) of that title), and any regulations promulgated under that chapter and subject to subparagraph (B), the period of availability during which a recipient may expend amounts made available to the recipient under a grant or cooperative agreement described in clauses (i) through (v) shall be—

(i) for a grant made under section 31102 of that title (other than subsection (1) of that section)—

(I) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant; and

(II) the following 2 fiscal years;

(ii) for a grant made or a cooperative agreement entered into under section 31102(1)(2) of that title—

(I) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant or cooperative agreement; and

(II) the following 3 fiscal years;

(iii) for a grant made under section 31102(1)(3) of that title—

(I) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant; and

(II) the following 5 fiscal years;

(iv) for a grant made under section 31103 of that title—

(I) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant; and

(II) the following 2 fiscal years; and

(v) for a grant made or a cooperative agreement entered into under section 31313 of that title—

(I) the year in which the Secretary approves the financial assistance agreement with respect to the grant or cooperative agreement; and

(II) the following 5 fiscal years.

(B) APPLICABILITY.—

(i) AMOUNTS AWARDED FOR FISCAL YEARS 2019 AND 2020.—The periods of availability described in subparagraph (A) shall apply only—

(I) to amounts awarded for fiscal year 2019 or 2020 under a grant or cooperative agreement described in clauses (i) through (v) of that subparagraph; and

(II) for the purpose of expanding the period of availability during which the recipient may expend the amounts described in subclause (I).

(ii) AMOUNTS AWARDED FOR OTHER YEARS.—The periods of availability described in subparagraph (A) shall not apply to any amounts awarded under a grant or cooperative agreement described in clauses (i) through (v) of that subparagraph for any fiscal year other than fiscal year 2019 or 2020, and those amounts shall be subject to the period of availability otherwise applicable to those amounts under Federal law.

(2) REALLOCATION OF RELEASED FUNDS.—Notwithstanding any other provision of law, any amounts released back to the Secretary under section 31104(i) of title 49, United States Code, that were made available to the Secretary under section 31104(a) of that title for fiscal year 2019 or 2020 shall not be subject to any limitation on obligations under Federal law.

#### TELEWORK FOR U.S. INNOVATION ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 569, S. 4138.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4138) to amend title 5, United States Code, to make permanent the authority of the United States Patent and Trademark Office to conduct a telework travel expenses program.

There being no objection, the Senate proceeded to consider the bill.

Mr. PORTMAN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4138) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4138

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*